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THE SMITH-TOWNER BILL

To create a Department of Education, to authorize appropriations for the conduct of said department, to authorize the appropriation of money to encourage the States in the promotion and support of education, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there is hereby created an executive department in the Government to be called the Department of Education, with a Secretary of Education, who shall be the head thereof, to be appointed by the President, by and with the advice and consent of the Senate, and who shall receive a salary of \$12,000 per annum, and whose tenure of office shall be the same as that of the heads of other executive departments; and section 158 of the Revised Statutes is hereby amended to include such department, and the provisions of title 4 of the Revised Statutes, including all amendments thereto, are hereby made applicable to said department. The Secretary of Education shall cause a seal of office to be made for such department of such device as the President shall approve, and judicial notice shall be taken of said seal.

SEC. 2. That there shall be in said department an Assistant Secretary of Education, to be appointed by the President, who shall receive a salary of \$5,000 per annum. He shall perform such duties as may be prescribed by the Secretary or required by law. There shall also be one chief clerk and a disbursing clerk and such chiefs of bureaus and clerical assistants as may from time to time be authorized by Congress.

SEC. 3. That there is hereby transferred to the Department of Education the Bureau of Education, and the President is authorized and empowered, in his discretion, to transfer to the Department of Education such offices, bureaus, divisions, boards, or branches of the Government devoted to educational matters and connected with or attached to any of the executive departments or organized independently of any department as in his judgment should be controlled by, or the functions of which should be exercised by, the Department of Education; and all such offices, bureaus, divisions, boards, or branches of the Government so

transferred by the President or by Act of Congress, shall thereafter be administered by the Department of Education, as hereinafter provided.

All officers, clerks, and employees employed in or by any office, bureau, division, board, or branch of the Government, transferred in accordance with the provisions of this Act to the Department of Education, shall each and all be transferred to said Department of Education at their existing grades and salaries, except where otherwise provided in this Act; and the office records and papers on file and pertaining exclusively to the business of any such office, bureau, division, board, or branch of the Government so transferred, together with the furniture and equipment thereof, shall be transferred to said department.

SEC. 4. That the Secretary of Education shall have charge, in the buildings or premises occupied by or assigned to the Department of Education, of the library, furniture, fixtures, records, and other property used therein or pertaining thereto, and may expend for rental of appropriate quarters for the accommodation of the Department of Education within the District of Columbia, and for the library, furniture, equipment, and all other incidental expenses, such sums as Congress may provide from time to time.

All power and authority conferred by law upon or exercised by the head of any executive department, or by any administrative board, over any officer, office, bureau, division, board, or branch of the Government, transferred in accordance with the provisions of this Act to the Department of Education, and any and all business arising therefrom or pertaining thereto, and all duties performed in connection therewith, shall, after such transfer, be vested in and exercised by the Secretary of Education.

All laws prescribing the work and defining the duties and powers of the several offices, bureaus, divisions, boards, or branches of the Government, transferred in accordance with the provisions of this Act to the Department of Education, shall, in so far as the same are not in conflict with the provisions of this Act, remain in full force and effect and be executed under the direction of the Secretary of Education, to whom is hereby granted definite authority to reorganize the work of any and all of the said offices, bureaus, divisions, boards, or branches of the Government so transferred, in

such way as will in his judgment best accomplish the purposes of this Act.

SEC. 5. That it shall be the duty of the Department of Education to conduct studies and investigations in the field of education and to report thereon. Research shall be undertaken in (a) illiteracy; (b) immigrant education; (c) public-school education, and especially rural education; (d) physical education, including health education, recreation and sanitation; (e) preparation and supply of competent teachers for the public schools; and (f) in such other fields as, in the judgment of the Secretary of Education, may require attention and study.

In order to carry out the provisions of this section the Secretary of Education is authorized, in the same manner as provided for appointments in other departments, to make appointments, or recommendations of appointments, of educational attachés to foreign embassies, and of such investigators and representatives as may be needed, subject to the appropriations that have been made or may hereafter be made to any office, bureau, division, board or branch of the Government, transferred in accordance with the provisions of this Act to the Department of Education; and where appropriations have not been made therefor the appropriation provided in section 6 of this Act shall be available.

SEC. 6. That for the fiscal year ending June 30, 1921, and annually thereafter, the sum of \$500,000 is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, to the Department of Education, for the purpose of paying salaries and conducting investigations and paying all incidental and traveling expenses and rent where necessary, and for the purpose of enabling the Department of Education to carry out the provisions of this Act. And all appropriations which have been made and which may hereafter be made to any office, bureau, division, board or branch of the Government, transferred in accordance with the provisions of this Act to the Department of Education, are hereby continued in full force and effect, and shall be administered by the Secretary of Education in such manner as is prescribed by law.

SEC. 7. That in order to encourage the States in the promotion and support of education, there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropri-

ated, for the fiscal year ending June 30, 1921, and annually thereafter, \$100,000,000, to be apportioned, disbursed, and expended as hereinafter provided.

SEC. 8. That in order to encourage the States to remove illiteracy, three-fortieths of the sum authorized to be appropriated by section 7 of this Act shall be used for the instruction of illiterates ten years of age and over. Such instruction shall deal with the common-school branches and the duties of citizenship, and when advisable shall prepare for some definite occupation. Said sum shall be apportioned to the States in the proportions which their respective illiterate populations of ten years of age and over, not including foreign-born illiterates, bear to such total illiterate population of the United States, not including outlying possessions, according to the last preceding census of the United States.

SEC. 9. That in order to encourage the States in the Americanization of immigrants, three-fortieths of the sum authorized to be appropriated by section 7 of this Act shall be used to teach immigrants ten years of age and over to speak and read the English language and to understand and appreciate the spirit and purpose of the American Government and the duties of citizenship in a free country. The said sum shall be apportioned to the States in the proportions which their respective foreign-born populations bear to the total foreign-born population of the United States, not including outlying possessions, according to the last preceding census of the United States.

SEC. 10. That in order to encourage the States to improve educational opportunities, five-tenths of the sum authorized to be appropriated by section 7 of this Act shall be used in public elementary and secondary schools for the partial payment of teachers' salaries, for providing better instruction and extending school terms, especially in rural schools and schools in sparsely settled localities, and otherwise providing equally good educational opportunities for the children in the several States, and for the extension and adaptation of public libraries for educational purposes. The said sum shall be apportioned to the States, one-half in the proportions which the number of children between the ages of six and twenty-one of the respective States bear to the total number of such children in the United States, and one-half in the proportions which the number of public-school teachers employed in teaching posi-

tions in the respective States bear to the total number of public-school teachers so employed in the United States, not including outlying possessions, said apportionment to be based upon statistics collected annually by the Department of Education.

Provided, however, That in order to share in the apportionment provided by this section a State shall establish and maintain the following requirements unless prevented by constitutional limitations, in which case these requirements shall be approximated as nearly as constitutional provisions will permit: (a) a legal school term of at least twenty-four weeks in each year for the benefit of all children of school age in such State; (b) a compulsory school attendance law requiring all children between the ages of seven and fourteen to attend some school for at least twenty-four weeks in each year; (c) a law requiring that the English language shall be the basic language of instruction in the common-school branches in all schools, public and private.

SEC. 11. That in order to encourage the States in the promotion of physical education, two-tenths of the sum authorized to be appropriated by section 7 of this Act shall be used for physical education and instruction in the principles of health and sanitation, and for providing school nurses, school dental clinics, and otherwise promoting physical and mental welfare. The said sum shall be apportioned to the States in the proportions which their respective populations bear to the total population of the United States, not including outlying possessions, according to the last preceding census of the United States.

SEC. 12. That in order to encourage the States in the preparation of teachers for public-school service, particularly in rural schools, three-twentieths of the sum authorized to be appropriated by section 7 of this Act shall be used to provide and extend facilities for the improvement of teachers already in service and for the more adequate preparation of prospective teachers, and to provide an increased number of trained and competent teachers by encouraging, through the establishment of scholarships and otherwise, a greater number of talented young people to make adequate preparation for public-school service. The said sum shall be apportioned to the States in the proportions which the number of public-school teachers employed in teaching positions in the respective States bear to the total number of public-school teachers so employed in

the United States, not including outlying possessions, said apportionments to be based on statistics collected annually by the Department of Education.

SEC. 13. That in order to secure the benefits of the appropriation authorized in section 7, and of any of the apportionments made in sections 8, 9, 10, 11, and 12 of this Act, a State shall by legislative enactment accept the provisions of this Act and provide for the distribution of such funds as may be apportioned to said State, and shall designate the State's chief educational authority, whether a State superintendent of public instruction, a commissioner of education, a State board of education, or other legally constituted chief educational authority, to represent said State in the administration of this Act, and such authority so designated shall be recognized by the Secretary of Education: *Provided*, That in any State in which the legislature does not meet in 1920, the governor of said State, in so far as he may have authority so to do, may take such action temporarily, as is herein provided to be taken by legislative enactment in order to secure the benefits of this Act, and such action by the governor shall be recognized by the Secretary of Education for the purposes of this Act, when reported by the chief educational authority designated to represent said State, until the legislature of said State shall have met in due course and been in session sixty days.

In any State accepting the provisions of this Act, the State treasurer shall be designated and appointed as custodian of all funds received by said State as apportionments under the provisions of this Act, to receive and provide for the proper custody and disbursement of the same, such disbursements to be made in accordance with the legal provisions of said State, on warrants duly drawn by the State's chief educational authority designated to represent said State in the administration of this Act.

A State may accept the provisions of any one or more of the respective apportionments authorized in sections 8, 9, 10, 11, and 12 of this Act, and may defer the acceptance of any one or more of said apportionments: *Provided, however*, That no money shall be apportioned to any State from any of the funds provided in sections 8, 9, 10, 11, and 12 of this Act, unless a sum equally as large shall be provided by said State, or by local authorities, or by both, for the same purpose: *And provided*, That the sum or sums provided by a

State for the improvement of educational opportunities, for the promotion of physical education and for the preparation of teachers, shall not be less for any year than the amount provided for the same purpose for the fiscal year next preceding the acceptance of the provisions of this Act by said State: *And provided further*, That no money apportioned to any State under the provisions of this Act shall be used by any State or local authority, directly or indirectly, for the purchase, rental, erection, preservation, or repair of any building or equipment, or for the purchase or rental of land, or for the payment of debts or the interest thereon.

SEC. 14. That when a State shall have accepted the provisions of this Act and shall have provided for the distribution and administration of such funds as may be apportioned to said State, as herein provided, the State's chief educational authority designated to represent said State shall so report in writing to the Secretary of Education. If such report shows that said State is prepared to carry out the provisions of this Act with respect to any one or more of the apportionments authorized in sections 8, 9, 10, 11, and 12 of this Act, the Secretary of Education shall apportion to said State for the fiscal year, or for the remainder of the fiscal year, as the case may be, such funds as said State may be entitled to receive under the provisions of this Act, and shall certify such apportionment or apportionments to the Secretary of the Treasury: *Provided*, That this Act shall not be construed to require uniformity of plans, means, or methods in the several States in order to secure the benefits herein provided, except as specifically stated herein: *And provided further*, That all the educational facilities encouraged by the provisions of this Act and accepted by a State shall be organized, supervised, and administered exclusively by the legally constituted State and local educational authorities of said State, and the Secretary of Education shall exercise no authority in relation thereto except as herein provided to insure that all funds apportioned to said State shall be used for the purposes for which they are appropriated, and in accordance with the provisions of this Act accepted by said State.

SEC. 15. That the Secretary of Education is authorized to prescribe plans for keeping accounts of the expenditures of such funds as may be apportioned to the States under the provisions of this Act, and to audit such accounts. The Secretary of Education

may withhold the apportionment or apportionments of any State for the next ensuing fiscal year whenever he shall determine that such apportionment or apportionments made to said State for the current fiscal year are not being expended in accordance with the provisions of this Act: *Provided, however,* That before withholding any such apportionment from any State, as herein provided, the Secretary of Education shall give due notice in writing to the chief educational authority designated to represent said State, stating specifically wherein said State fails to comply with the provisions of this Act.

If any portion of the money received by the treasurer of a State under the provisions of this Act for any of the purposes herein provided shall, by action or contingency, be diminished or lost, the same shall be replaced by said State, and until so replaced no subsequent apportionment for such purpose shall be paid to said State. If any part of the funds apportioned annually to any State for any of the purposes named in sections 8, 9, 10, 11, and 12 of this Act has not been expended for such purpose, a sum equal to such unexpended part shall be deducted from the next succeeding annual apportionment made to said State for such purpose.

SEC. 16. That the Secretary of the Treasury is hereby authorized and directed to pay quarterly, on the 1st day of July, October, January, and April, to the treasury of any State designated to receive such funds, such apportionment or apportionments as are properly certified to him by the Secretary of Education, and he shall discontinue such payments when notified so to do by the Secretary of Education, as provided in this Act.

SEC. 17. That the chief educational authority designated to represent any State receiving the benefits of this Act, shall, not later than September 1 of each year, make a report to the Secretary of Education showing the work done in said State in carrying out the provisions of this Act, and the receipts and expenditures of money apportioned to said State under the provisions of this Act. If the chief educational authority designated to represent any State shall fail to report as herein provided, the Secretary of Education shall notify the Secretary of the Treasury to discontinue the payment of all apportionments to said State until such report shall have been made.

SEC. 18. That the Secretary of Education shall annually at the close of each fiscal year make a report in writing to Congress giving an account of all moneys received and disbursed by the Department of Education, and describing the work done by the department. He shall also, not later than December 1 of each year, make a report to Congress on the administration of sections 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, and 17 of this Act, and shall include in said report a summary of the reports made to him by the several States showing the condition of public education therein, and shall at the same time make such recommendations to Congress as will, in his judgment, improve public education in the United States. He shall also from time to time make such special investigations and reports as may be required of him by the President or by Congress.

SEC. 19. That this Act shall take effect April 1, 1920, and all Acts and parts of Acts in conflict with this Act are hereby repealed.